

### What are Zoning Conditions?

As part of an application to amend the City's Zoning Map (rezoning process), certain conditions, requirements and covenants may be imposed by the City to remove any objections to the proposed rezoning. Under the current procedure, these conditions are contained within the rezoning ordinance approved by City Council, although some former conditions had been imposed by contract as part of the earlier rezoning process. In either case, zoning conditions may only be amended or removed following the same hearing process as when imposed. Zoning conditions, on a case-by-case basis, will supplement Code requirements to lessen potential negative impacts of a proposed rezoning and ensure compatibility or proposed uses with surrounding properties. When the City's Official Zoning Map Series is changed to reflect an approved rezoning, a notation is also made with the designation "C" or "SC" where zoning conditions have been imposed.

### What effect do zoning conditions have on my property?

Property must be zoned for a given use before a building permit is issued. As part of the building permit review process, the zoning of the property is verified to ascertain whether the use proposed is permitted. The Planning, Research & Development Department will verify the zoning using the City's zoning maps. If the zoning of the property has a notation "C" or "SC", the zoning conditions will be reviewed and checked for compliance prior to a building permit being issued. If any zoning condition has not been satisfied, no building permit may be issued on the property.

Zoning conditions restrict the development and use of property, and may not be amended or removed except through legislative action of City Council (CC) following a public hearing process. These conditions restrict title to a property similar to a deed restriction covenant.



## City of El Paso

### LAND DEVELOPMENT INFORMATION SERIES

## **ZONING CONDITION** **AMENDMENT OR** **RELEASE PROCESS**



### Can zoning conditions be amended or removed?

Zoning conditions may be amended or removed upon application to the City by the owner of a property, and through a public hearing process. To request a release, the applicant will be required to demonstrate that the zoning conditions have either been satisfied or are no longer necessary or desirable. An owner may also request that zoning conditions be amended due to changes since their imposition at the time of rezoning of the property. An applicant is encouraged to discuss an application with staff in the Planning, Research & Development Department. A pre-application conference will include a discussion of the surrounding zoning, the zoning conditions, land uses, recent area zoning trends, adopted development-related zoning policies, and any other relevant factors related to the applications. An application for zoning condition amendment/release packet will be provided.

### How do I apply for amendment or removal of zoning conditions on my property?

Submit a completed zoning conditions amendment/release application, with accompanying documentations to the Planning, Research & Development Department. The application must contain an original signature of the owner of the property.

### What documentation is required to be submitted with a completed application?

- Applicable zoning map sheet identifying property on which zoning conditions are to be amended or removed.
- For vacant property, 8 copies of a generalized plot plan.
- For developed property, 8 copies of a detailed site development plan.
- A title certificate or other proof of ownership document.
- City Tax Certificate indicating that no tax delinquencies are due.
- A sealed metes and bounds survey, if applicable.
- A copy of the ordinance or contract imposing the zoning conditions.
- Proof of notice sent to any Registered Neighborhood Associations in the vicinity.

### What is the zoning condition amendment/release process?

After acceptance of a completed application, the Planning, Research & Development Department reviews the request; obtains the review and comments from other City departments; obtains a recommendations from the Development Coordinating Committee (DCC);

schedules the application for public hearing by the City Plan Commission (CPC); prepares a staff report; and notifies property owners within 300 feet of the property on which an application for amendment or release of zoning conditions is proposed.

CPC holds a public hearing approximately six weeks following the submittal of the application, and votes to approve, deny, or table the application. The staff report is presented, public input is received, and CPC deliberates its findings.

When a recommendation to approve the application is made by CPC, an ordinance will be prepared and forwarded to City Council (CC) for finalization. The final hearing before CC will take place approximately four to five weeks following the CPC hearing. The staff report of DCC and CPC is presented, public input is received, and CC deliberates its findings, and either approves, denies or tables the application. Upon finalization, the Planning, Research & Development Department makes any necessary changes to the Official Zoning Map Series of the City.

If an application is denied by CPC, the applicant may file an appeal of the denial action to CC within fifteen days of the CPC hearing. Once an appeal is filed, an ordinance will be prepared and forwarded to CC for finalization in the same manner described above.

### How can I participate in the public hearing process?

During the public hearings before CPC and CC, the applicant and the public will be afforded an opportunity to present their views on the application. In addition, letters and faxes may be sent to the Planning, Research & Development Department regarding any application. Letters should be addressed to the *City Plan Commission (c/o Planning, Research & Development Department, 2nd Floor, City Hall, 2 Civic Center Plaza, El Paso TX 79901-1196)* and faxes should be sent to (915) 541-4028. The letter or fax must state the case number, your name and address, and your position.

### How long does this process take ?

This process from beginning to end takes approximately ten weeks. Any unusual action by CPC, CC or the applicant might increase the processing time.

### What is the application fee?

The application fee is set by resolution of CC. It appears on the application and is non-refundable following payment.

## Zoning Condition Amendment and Release Process

